

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7263 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PREMLATA SATYANARAYAN

Versus

COMMANDANT

Appearance:

MS SUDHA R GANGWAR for Petitioner
MS PROMILA SAFAYA for Respondent No. 1
SERVED for Respondent No. 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 11/12/97

ORAL JUDGEMENT

Rule. Service of rule waived by Ms.Promila Safaya, learned Addl. Standing Counsel for the Respondents.
2. Heard. On 21.10.1997, following order was passed in this petition seeking appointment on the post of peon or Aya at Gandhinagar on compassionate grounds :

"This matter was argued to some extent. The contention of petitioner is that she can atleast be given a job of a Peon. The contention of respondent is that she is not qualified and she is over-age also. The learned Addl. Central Government Counsel may produce the Scheme/Rules for providing appointments on compassionate grounds in CRPF.

Matter stand-over to 24th November, 1997."

3. Today the learned Addl. Standing Counsel places on record copy of Rules regarding compassionate appointment contained in Chapter : 29 of the Rules and Regulations applicable to the respondents. First Rule indicates that the compassionate appointment would be available to a widow or son or daughter of a Government servant who dies in harness, including death on account of suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family. Admittedly, the case of the petitioner does not fall on the basis of such compassionate appointment. In any event the petitioner was granted appointment as Water woman and she has been serving as such. In that view of the matter the present petition seeking compassionate appointment to a particular post cannot be entertained. However, it has been submitted on behalf of the petitioner that there is a clarification regarding remustering of Safai Kamdar as per communication No.R.II.16/97.EBTT-II dated 7.1.1997 which says that there can be no objection for re-mustering an enrolled follower from one post to other, but the suitability of such candidate in the trade should be decided by Board of officers duly approved of a Range D.I.G.P. It is obvious that as and when the petitioner makes a representation pursuant to this clarification it would have to be considered in accordance with law and without being influenced by the fact that the petitioner has moved the present petition. The fact remains that the present petition cannot be entertained in view of the documents which have been placed on record. Such documents include the aforesaid rule as well as the communication dated 25.3.1996 dealing with the petitioner's application dated 15.2.1996.

4. In view of what is stated above Ms.Sudha R. Gangwar, learned Advocate for the petitioner seeks to withdraw this petition with a view to enable the petitioner to make representation. Permission to withdraw this petition granted. Rule is discharged. No order as

to costs.

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